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EXAMINER

GREENE, JASON M

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 05/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/016,353

Applicant(s)

MCCUTCHEN, CLINTON J.

Examiner

Jason M. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,8,14 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-6, 9-13, and 16-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claims

2. With regard to claim 4, the Examiner suggests Applicants change the word "internally" to the word "intervally" to correct an apparent typographical error.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson.

With regard to claim 1, Nelson discloses a valve for cyclically connecting a vacuum and a blower to a filter comprising a box (22) having three opening therein, a first of said openings (not numbered) being connectable to the vacuum (20), a second of said openings (not numbered) being connectable to the blower (26), and a third of said openings (not numbered) being connectable to the filter (14), a gate (34) within said box being adapted to be biased by the blower and the vacuum toward a first position in which said gate closes said first opening and means (44, 46, 48) outside said box for holding said gate against said bias in a second position in which said gate closes said second opening, said holding means being adapted to intervally release said gate to said bias to close said first opening in Figs. 1-6, col. 2, line 15 to col. 6, line 57, and col. 7, lines 39-54. The Examiner notes that Nelson explicitly discloses the gate closing the first opening in the first position in col. 7, lines 46-53. The Examiner also notes that since the shaft (44), the motor (46) and the drive belt (48) form a necessary portion of the means for holding the gate against the bias, the means for holding the gate against the bias are seen as being outside the box. Stated differently, since the means for holding the gate against the bias are partially located external to the box, the means for holding the gate against the bias of Nelson are seen as reading on the limitation "means outside the box for holding said gate against said bias".

With regard to claim 2, Nelson discloses the gate comprising a flapper (34) hinged (36) for angular motion between the first and second positions in Fig. 4.

5. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson.

With regard to claim 7, Nelson discloses a system for cyclically connecting a plurality of filters (14) to a vacuum (20) and a blower (26) comprising a plurality of valves, each valve comprising a box (22) having three opening therein, a first of said openings (not numbered) being connectable to the vacuum (20), a second of said openings (not numbered) being connectable to the blower (26), and a third of said openings (not numbered) being connectable to one of the plurality of filters (14), and a gate (34) within said box being adapted to be biased by the blower and the vacuum toward a first position in which said gate closes said first opening and means (44, 46, 48) outside said box for holding each of said gates against said bias in a second position in which each said gate closes its second opening, said holding means being adapted to intervally release said gates to said bias to close said first openings in Figs. 1-6, col. 2, line 15 to col. 6, line 57, and col. 7, lines 39-54. The Examiner notes that Nelson explicitly discloses the gates closing the first openings in the first position in col. 7, lines 46-53. The Examiner also notes that since the shaft (44), the motor (46) and the drive belt (48) form a necessary portion of the means for holding the gate against the bias, the means for holding the gate against the bias are seen as being outside the box. Stated differently, since the means for holding the gate against the bias are partially located external to the box, the means for holding the gate against the bias of Nelson

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are seen as reading on the limitation "means outside the box for holding said gate against said bias".

With regard to claim 8, Nelson discloses each gate comprising a flapper (34) hinged (36) for angular motion between its first and second positions in Fig. 4.

6. Claims 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson.

With regard to claim 14, Nelson discloses a cleaning machine comprising a plurality of filters (14), a vacuum (20), a blower (26), and a plurality of valves, each valve comprising a box (22) having three opening therein, a first of said openings (not numbered) being connectable to the vacuum (20), a second of said openings (not numbered) being connectable to the blower (26), and a third of said openings (not numbered) being connectable to one of the plurality of filters (14), and a gate (34) within said box being adapted to be biased by the blower and the vacuum toward a first position in which said gate closes said first opening and means (44, 46, 48) outside said box for holding each of said gates against said bias in a second position in which each said gate closes its second opening, said holding means being adapted to intervally release said gates to said bias to sequentially close said first openings in Figs. 1-6, col. 2, line 15 to col. 6, line 57, and col. 7, lines 39-54. The Examiner notes that Nelson explicitly discloses the gates closing the first openings in the first position in col. 7, lines

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46-53. The Examiner also notes that since the shaft (44), the motor (46) and the drive belt (48) form a necessary portion of the means for holding the gate against the bias, the means for holding the gate against the bias are seen as being outside the box. Stated differently, since the means for holding the gate against the bias are partially located external to the box, the means for holding the gate against the bias of Nelson are seen as reading on the limitation "means outside the box for holding said gate against said bias".

With regard to claim 15, Nelson discloses each gate comprising a flapper (34) hinged (36) for angular motion between its first and second positions in Fig. 4.

Allowable Subject Matter

7. Claims 3-6, 9-13, and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 3-6, the prior art made of record does not teach or fairly suggest the valve for cyclically connecting a vacuum and a blower to a filter of claim 1,

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wherein the holding means comprises a rotating cam and a follower fixed to said flapper.

With regard to claims 9-13, the prior art made of record does not teach or fairly suggest the system of claim 7, wherein the holding means comprises a rotating cam and a plurality of followers, one fixed to each said flapper.

With regard to claims 16-20, the prior art made of record does not teach or fairly suggest the cleaning machine of claim 14, wherein the holding means comprises a rotating cam and a plurality of followers, one fixed to each said flapper.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Osborn, Beth, Wallin, Howeth, Thorne, Clasen et al., Finigan, Jeong et al., Dietz et al., and Allen references disclose similar filter cleaning arrangements.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (703) 308-6240. The examiner can normally be reached on Tuesday - Friday (7:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703) 308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jason M. Greene
Examiner
Art Unit 1724



jmg
May 16, 2003

DUANE SMITH
PRIMARY EXAMINER


5-18-03